

HOUSE BILL 786

R1

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By: **Delegates Healey, Beidle, Bobo, Carr, Frush, Gaines, Glenn, Ivey, Lafferty, Niemann, Ross, and Sossi**

Introduced and read first time: February 9, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **State Highway Administration – Sidewalk Construction in Priority Funding**
3 **Areas**

4 FOR the purpose of requiring the State Highway Administration to categorize in a
5 certain manner and give certain funding priority to sidewalk construction
6 projects along urban highways in priority funding areas under certain
7 circumstances; and generally relating to sidewalk construction in priority
8 funding areas.

9 BY repealing and reenacting, with amendments,
10 Article – Transportation
11 Section 8–630
12 Annotated Code of Maryland
13 (2008 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Transportation**

17 8–630.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Municipal corporation” has the meaning stated in Article 23A, § 9
20 of the Code.

21 (3) “Urban highway” means a highway, other than an expressway,
22 that is:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) 1. Constructed with a curb and gutter and an enclosed
2 type storm drainage system;

3 2. Located in an urban area and on which is located a
4 public facility that creates appreciable pedestrian traffic along the highway from
5 adjacent areas;

6 3. Located within urban boundaries as defined by the
7 U.S. Census Bureau; or

8 4. Located within the boundaries of a municipal
9 corporation; and

10 (ii) Part of the State highway system.

11 (b) (1) Sidewalks shall be constructed at the time of construction or
12 reconstruction of an urban highway, or in response to the request of a local
13 government unless:

14 (i) The Administration determines that the cost or impacts of
15 constructing the sidewalks would be too great in relation to the need for them or their
16 probable use; or

17 (ii) The local government indicates that there is no need for
18 sidewalks.

19 (2) Sidewalks constructed under this section shall be consistent with
20 area master plans and transportation plans adopted by the local planning commission.

21 **(3) IF A LOCAL GOVERNMENT REQUESTS CONSTRUCTION OF**
22 **SIDEWALKS ALONG AN URBAN HIGHWAY WITHIN AN AREA DESIGNATED AS A**
23 **PRIORITY FUNDING AREA UNDER § 5-7B-02 OF THE STATE FINANCE AND**
24 **PROCUREMENT ARTICLE AND THE ADJACENT ROADWAY IS NOT BEING**
25 **CONCURRENTLY CONSTRUCTED OR RECONSTRUCTED, AND IF THE**
26 **ADMINISTRATION DETERMINES THAT A SUBSTANTIAL PUBLIC SAFETY RISK**
27 **EXISTS, THE ADMINISTRATION SHALL CATEGORIZE THE SIDEWALK**
28 **CONSTRUCTION PROJECT AS “SYSTEM PRESERVATION” AND GIVE**
29 **CORRESPONDING FUNDING PRIORITY TO THE SIDEWALK CONSTRUCTION**
30 **PROJECT.**

31 (c) (1) If sidewalks or bicycle pathways are constructed or reconstructed
32 as part of a roadway construction or reconstruction project, the Administration shall
33 fund the sidewalk or bicycle pathway construction or reconstruction as a part of the
34 cost of the roadway project.

1 (2) Except as provided in paragraphs (3) and (4) of this subsection, if
2 sidewalks or bicycle pathways are constructed or reconstructed in response to a
3 request from a local government and the adjacent roadway is not being concurrently
4 constructed or reconstructed, the cost to construct or reconstruct the sidewalk or
5 bicycle pathway shall be shared equally between the State and local governments.

6 (3) If sidewalks or bicycle pathways within a designated neighborhood
7 as defined in § 6–301 of the Housing and Community Development Article are
8 constructed or reconstructed in response to a request from a local government and the
9 adjacent roadway is not being concurrently constructed or reconstructed, the cost to
10 construct or reconstruct the sidewalk or bicycle pathway may be funded entirely by the
11 State.

12 (4) (i) This paragraph does not apply to a priority funding area
13 that is a designated neighborhood as defined in § 6–301 of the Housing and
14 Community Development Article.

15 (ii) If sidewalks or bicycle pathways within an area designated
16 as a priority funding area under § 5–7B–02 of the State Finance and Procurement
17 Article are constructed or reconstructed in response to a request from a local
18 government and the adjacent roadway is not being concurrently constructed or
19 reconstructed, and if the Administration determines that a substantial public safety
20 risk exists and that construction would not occur under this section due to insufficient
21 contribution of funds by the local government, the cost to construct or reconstruct the
22 sidewalk or bicycle pathway shall be shared between the State and local government
23 as follows:

24 1. 75 percent of the cost shall be funded by the State;
25 and

26 2. 25 percent of the cost shall be funded by the local
27 government.

28 (5) If sidewalks or bicycle pathways are being constructed or
29 reconstructed in response to a request from a local government and the adjacent
30 roadway is not being concurrently constructed or reconstructed, the local government
31 shall:

32 (i) Provide public notice and opportunities for community
33 involvement prior to the construction of a sidewalk or bicycle pathway project; and

34 (ii) Secure any necessary right-of-way that may be needed
35 beyond the right-of-way already owned by the State.

36 (6) (i) Except as provided in subparagraph (ii) of this paragraph,
37 after sidewalks and bicycle pathways are constructed under this section, they shall be
38 maintained and repaired by the political subdivision in which they are located.

1 (ii) Subject to approval and the availability of funds, the
2 Administration promptly shall reimburse a political subdivision for the preapproved
3 and documented costs incurred in reconstructing a segment of a sidewalk or bicycle
4 pathway that has deteriorated to the extent that repair is not practical or desirable for
5 public safety.

6 (d) The Administration may not construct any project that will result in the
7 severance or destruction of an existing major route for pedestrian transportation
8 traffic, unless the project provides for construction of a reasonable alternative route or
9 such a route already exists.

10 (e) The Administration shall develop guidelines jointly with local
11 governments to carry out the provisions of this section.

12 (f) The Administration shall maintain and repair all facilities for nighttime
13 illumination that:

14 (1) Are constructed by the Administration for the safe conduct of
15 vehicular traffic; and

16 (2) Exist adjacent to urban highways.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
18 October 1, 2010.